

POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR  
UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS

The undersigned ASSIGNEE of the entire interest in application for letters patent entitled **METHOD AND APPARATUS FOR TREATING OSTEOCHONDRAL PATHOLOGIES** by Marc J. Philippon granted U.S. serial number \_\_\_\_\_, filed on July 24, 2000 hereby appoints the following attorneys of Wilson Sonsini Goodrich & Rosati:

Paul Davis	29,294	Richard L. Gregory	42,607
John J. Bruckner	35,816	Van Mahamedi	42,828
David J. Weitz	38,362	X. Shirley Chen	44,608
U.P. Peter Eng	39,666	Shaalu Mehra	44,934
Barbara Courtney	42,442		

and all Wilson Sonsini Goodrich & Rosati attorneys registered to practice before the United States Patent and Trademark Office, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

- a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or
- the Assignment recorded on \_\_\_\_\_ at reel \_\_\_, frames \_\_\_ - \_\_\_.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all telephone calls to John J. Bruckner, (650) 493-9300

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ASSIGNEE: ORATEC INTERVENTIONS, INC.

Name: Hugh R. Sharkey

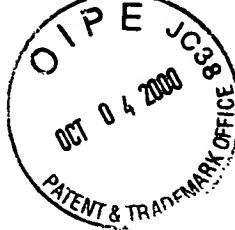
(Signature)

Name: Hugh R. Sharkey

(Print or Type)

Title: EXECUTIVE VICE PRESIDENT + CTO

Date: 8/10/00



Applicant/Patentee:

Marc J. Philippon

Serial or Patent No.:

Filed or Issued:

For:

July 24, 2000

METHOD AND APPARATUS FOR TREATING OSTEOCHONDRAL PATHOLOGIES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(F) AND 1.27(C)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN                    Oratec Interventions, Inc.  
ADDRESS OF CONCERN                3700 Haven Court  
    Menlo Park, California 94025

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that the rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any persons, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
 Individual                     Small Business Concern                     Nonprofit Organization

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
 Individual                     Small Business Concern                     Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING                    HUGH R. SHARKEY  
TITLE OF PERSON OTHER THAN OWNER    EXECUTIVE VICE PRESIDENT + CTO

SIGNATURE

DATE

8/10/00

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